

REMARKS

Claims 1, 3, 11-12, 14, 16, and 19-23 have been amended by way of this reply. Accordingly, claims 1-3, 6-12, 14-17, and 19-24 are currently pending in the application, of which claims 1, 11, 16, 21, and 22 are independent.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least in Figure 9 and at page 11, lines 14-17 and page 16, lines 18-24 of the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Accordingly, Applicant requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Claim Objection

Claims 23 and 24 were objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claims 6 and 7, respectively. By this reply, claim 23 has been amended to depend from independent claim 11. Applicant respectfully submits that claims 23 and 24 are not duplicates of claims 6 and 7, which depend from independent claim 1. Accordingly, withdrawal of this objection is respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 16-20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection for at least the following reasons.

The Examiner contends in paragraph 5 of Office Action that the system as recited in claim 16 refers to a software component in view of page 2, lines 16-18 in the amendments to the specification filed September 21, 2006. Applicant respectfully disagrees. The specification amendments that the Examiner relied upon state “[t]he terms ‘component’ and ‘system’ are intended to refer to a computer-related entity, either hardware, a combination of hardware and software, software, or software in execution.” Therefore, the cited portion of the specification clearly indicates that a system disclosed in the present application may include hardware or a combination of hardware and software. Thus, Applicant’s specification does not define “system” as software per se.

Further, claim 16 recites, *inter alia*, “a data storage to store the processed visitor-related data” (emphasis added). As is well-recognized by those skilled in the art, a data storage is a hardware element for storing data therein. Therefore, the subject matter of claim 16 is tied to a particular machine, and the system as recited in claim 16 is configured to either hardware or a combination of hardware and software. Thus, claim 16 is directed to patent-eligible subject matter. See Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101 and MPEP 2106 (IV), 2106.01 and 2106.02.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 101 rejection of claims 16-20.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 6-12, 14-16, 19-20, and 23-24 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0059379 applied for by Harvey, *et al.* (“Harvey”). Applicant respectfully traverses this rejection for at least the following reasons.

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

Harvey fails to disclose every feature of claims 1, 11, and 16.

Claims 1 and 11 have been amended to recite, *inter alia*:

a link program linked from the website that provides the community visitor with a community interface

execution of the link program is rendered on a web browser of the community

processing and utilizing the visitor-related data in the community so as to *present at least part of the processed visitor-related data on the community interface* (emphasis added).

The Office Action relies on the application/game disclosed in Harvey to teach the link program as claimed. Applicant respectfully notes, however, Harvey teaches that in order for a user to participate in an application or a game, the user should preferably maintain a local copy of the application or the game at client 110, i.e., the user's PC 110 in paragraph [0136].

[0136] The user next enters the community at step 570. The community includes a chat room and permits the user to select, via various buttons, hyperlinks, pull down menus, etc, other chat rooms application objects, and/or the application/game in which the user wishes to participate. In order to participate in a particular application/game, the user should preferably maintain a local copy of the application/game at client 110. In some cases, the user will receive the application/game as part of an invitation application emailed to him or her as discussed above. Alternatively, the user can download the application/game from a website or from central controller module 115. According to an embodiment of the invention, applications/games are downloaded while the user completes the registration form. Control may be established such that central controller module 115 preferably will not permit a user to select an application/game which is determined not to be locally resident at user's client. This control may be established by, for example, tracking downloads of applications to particular registered users or verifying the presence of the application on the local client immediately prior to application execution when requested by the user. Emphasis added.

That is, the application or game of Harvey should be executed on the local client after the application or game is downloaded to the local client. Applicant further notes that Harvey's executable component of the invitation message cannot also be relied upon to teach the link program as claimed because Harvey describes that the executable component of the invitation is local to the user, i.e., on client 110 (see Harvey: paras. [0127], [0128], and [0136]).

Therefore, Harvey does not fairly disclose or teach at least "execution of the link program is rendered on a web browser of the community," as required by independent claims 1, 11, and 16.

In addition, referring to Fig. 8A-3 and paragraph [0140], Harvey describes the process of accounting virtual value. Applicant notes, however, Harvey fails to disclose or suggest presenting the results of the virtual value processing on the chat room of the community. Instead, Harvey merely describes in paragraph [0141] that the user simply returns to the announcements screen or another chat room of the community. As such, Harvey fails to disclose or suggest at least "processing and utilizing the data in the community so as to present at least part of the processed visitor-related data on the community interface," as required by independent claims 1 and 11.

Claim 16 has been amended to recite, *inter alia*:

a link program, linked from the website that provides the community visitor with a community interface

present at least part of the processed visitor-related data on the community interface.

As discussed above, Harvey merely describes that the application or game should be executed on the local client after the application or game is downloaded to the local client, and

is silent with respect to presenting the processed virtual value on the chat room. As such, Harvey fails to teach or suggest at least the aforementioned features of independent claim 16.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 11, and 16. Claims 2, 3, 6-10, 12, 14, 15, 19, and 20 depend from claim 1, 11, or 16 and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1, 11, and 16, and all the claims that depend therefrom are allowable.

Rejections Under 35 U.S.C. § 103

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harvey and further in view of U.S. Patent No. 6,015,348 issued to Lambright, *et al.* ("Lambright"). Applicant respectfully traverses this rejection for at least the following reasons.

Applicant respectfully submits that claim 17 is allowable over Harvey, and Lambright fails to cure the deficiencies of Harvey noted above with regard to claim 16. Hence, claim 17 is allowable at least because they depend from an allowable claim 16.

Claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harvey and further in view of U.S. Patent No. 6,352,479 issued to Sparks, II ("Sparks"). Applicant respectfully traverses this rejection for at least the following reasons.

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966) ("*Graham*").

In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007). The Federal Circuit requires that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

Finally, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest every claimed feature. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that even if combined, Harvey and Sparks fail to disclose or suggest every claimed feature.

Claims 21 and 22, as amended, recite, *inter alia*, "execution of the link program is rendered on a web browser of the community" and "display at least part of the ranking data on a community interface provided by the community."

As discussed above, Harvey describes that the application or game is downloaded to and executed in the client 110. Sparks does not cure these deficiencies (see, for instance, col. 3, lines 7-9, "each of the user computer systems 18 includes stored game software, including software in which the present invention is embodied."). Consequently, Harvey, alone or in combination with Sparks, fails to disclose or suggest at least the aforementioned features of claims 21 and 22.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 21 and 22. Since none of the other prior art of record, whether taken alone

or in any combination, discloses or suggests all the features of the claimed invention, Applicant submits that independent claims 21 and 22 are allowable.

Other Matters

In addition to the amendments mentioned above, claims 3, 12, 20, and 23 have been amended solely for informality correction, better wording, and clarification. These amendments are not made to avoid prior art or narrow the claimed invention, and no change in claim scope is intended. Therefore, Applicant does not intend to relinquish any subject matter by these amendments.

CONCLUSION

A full and complete response has been made to the pending Office Action, and all of the stated objections and grounds for rejection have been overcome or rendered moot.

Accordingly, all pending claims are allowable, and the application is in condition for allowance.

The Examiner is invited to contact Applicant's undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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